

# COVER SHEET FOR AMENDMENT OF POST-TRAVEL SUBMISSION

Date/Time Stamp  
RECEIVED  
SECRETARY OF THE SENATE  
PUBLIC RECORDS  
2019 SEP 11 PM 4:56

**Instructions:** Use this form as a cover sheet for any paperwork you may need to submit to the Office of Public Records in order to make your Privately Sponsored Post-Travel Submission complete in accordance with Rule 35. **Only complete this form if you need to submit an amendment to a post-travel filing you have already submitted.**

SUBMIT DIRECTLY TO THE OFFICE OF PUBLIC RECORDS IN 232 HART BUILDING

Name of Traveler: Patrick Day  
Employing Office/Committee: Sen Feinstein, Judiciary Committee  
Travel Expenses Paid by (List all sources): Software.org  
Travel Date(s): 10/22/2018 - 10/24/2018

Description/Title of Attached Forms: \_\_\_\_\_

Trip Invitation  
PSTCF

Purpose of Amendment (describe the reason for amending original submission): \_\_\_\_\_

I was told to.

9/11/2019  
(Date)

[Signature]  
(Signature of Traveler)



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## PRIVATE SPONSOR TRAVEL CERTIFICATION FORM

This form must be completed by any private entity offering to provide travel or reimbursement for travel to Senate Members, officers, or employees (Senate Rule 35, clause 2). Each sponsor of a fact-finding trip must sign the completed form. The trip sponsor(s) must provide a copy of the completed form to each invited Senate traveler, who will then forward it to the Ethics Committee with any other required materials. The trip sponsor(s) should **NOT** submit the form directly to the Ethics Committee. Please consult the accompanying instructions for more detailed definitions and other key information.

The Senate Member, officer, or employee **MUST** also provide a copy of this form, along with the appropriate travel authorization and reimbursement form, to the Office of Public Records (OPR), Room 232 of the Hart Building, within thirty (30) days after the travel is completed.

1. Sponsor(s) of the trip (please list all sponsors):  
The Software Education Foundation d.b.a Software.org: the BSA Foundation ("Software.org")
2. Description of the trip: An educational visit to software companies to provide a better understanding of the software industry's approach to cybersecurity
3. Dates of travel: October 22, 2018 - October 24, 2018
4. Place of travel: San Francisco, California
5. Name and title of Senate invitees: See attachment 1
6. I *certify* that the trip fits one of the following categories:  
☒ (A) The sponsor(s) are not registered lobbyists or agents of a foreign principal **and** do not retain or employ registered lobbyists or agents of a foreign principal **and** no lobbyist or agents of a foreign principal will accompany the Member, officer, or employee *at any point* throughout the trip.  
~~OR~~  
☐ (B) The sponsor or sponsors are not registered lobbyists or agents of a foreign principal, but retain or employ one or more registered lobbyists or agents of a foreign principal and the trip meets the requirements of Senate Rule 35.2(a)(2)(A)(i) or (ii) (*see question 9*).
7. ☒ I *certify* that the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal.  
~~AND~~  
☒ I *certify* that the sponsor or sponsors will not accept funds or in-kind contributions earmarked directly or indirectly for the purpose of financing this specific trip from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs one or more registered lobbyists or agents of a foreign principal.
8. I *certify* that:  
☒ The trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal except for *de minimis* lobbyist involvement.  
~~AND~~  
☒ The traveler will not be accompanied on the trip by a registered lobbyist or agent of a foreign principal except as provided for by Committee regulations relating to lobbyist accompaniment (*see question 9*).

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☐ (A) The trip is for attendance or participation in a one-day event (exclusive of travel time and one overnight stay) and no registered lobbyists or agents of a foreign principal will accompany the Member, officer, or employee *on any segment* of the trip.

—OR—

-OR-

**10. USE ONLY IF YOU CHECKED QUESTION 9(B)**

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12. Briefly describe the role of each sponsor in organizing and conducting the trip:

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21. Describe how the daily expenses for lodging, meals, and other expenses provided to trip participants compares to the maximum per diem rates for official Federal Government travel:

**See attachment 7**

22. Describe the type and class of transportation being provided. Indicate whether coach, business-class or first class transportation will be provided. If first-class fare is being provided, please explain why first-class travel is necessary:

**Round-Trip coach airfare from Washington, DC (DCA) to San Francisco (SFO)**

23. ☒ I represent that the travel expenses that will be paid for or reimbursed to Senate invitees do not include expenditures for recreational activities or entertainment (other than entertainment provided to all attendees as an integral part of the event, as permissible under Senate Rule 35).

24. List any entertainment that will be provided to, paid for, or reimbursed to Senate invitees and explain why the entertainment is an integral part of the event:

N/A

25. I hereby *certify* that the information contained herein is true, complete and correct. (You must include the completed signature block below for each travel sponsor.):

**Signature of Travel Sponsor**

Name and Title: Chris Hopfensperger, Executive Director

Name of Organization: The Software Education Foundation d/b/a Software.org: the BSA Foundation

Address: 20 F Street, NW, 8th Floor, Washington, DC 20001

Telephone Number: 202-530-5135

**Fax Number:**

E-mail Address: [chris@software.org](mailto:chris@software.org)

**(Do not file the Instructions with OPR)**

- The Senate Select Committee on Ethics ("Ethics Committee") has developed guidelines for evaluating privately-sponsored trips and for judging whether trip expenses are reasonable. Trip sponsors should consult the *Senate Select Committee on Ethics' Regulations and Guidelines for Privately-Sponsored Travel*, including the *Glossary of Terms*, prior to filling out the *Private Sponsor Travel Certification Form* and contact the Ethics Committee at (202) 224-2981 with any additional questions. The Ethics Committee will make the final determination as to whether the expenses incurred during a privately-sponsored trip are reasonable.
- If there are multiple sponsors, they should jointly complete one *Private Sponsor Travel Certification Form* for the trip. Each travel sponsor should complete the signature block.
- When evaluating a trip proposal and judging the reasonableness of expenses, the Ethics Committee will consider the following factors:
  - a. the stated mission of the organization sponsoring the trip;
  - b. the organization's prior history of sponsoring congressional trips, if any;
  - c. other educational activities performed by the organization besides sponsoring congressional trips;
  - d. whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics;
  - e. whether the length of the trip and the itinerary is consistent with the official purpose of the trip;
  - f. whether there is an adequate connection between a trip and official duties;
  - g. the reasonableness of the total amount spent by a sponsor of the trip;
  - h. whether there is a direct and immediate relationship between a source of funding and an event;
  - i. the maximum *per diem* rates for official Federal Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense;
  - j. whether travel to a location or event is arranged or organized without regard to congressional participation, or whether it is specifically organized for Congressional staff; and
  - k. any other factor deemed relevant by the Select Committee on Ethics.

Consult the *Senate Select Committee on Ethics' Regulations and Guidelines for Privately-Sponsored Travel*, including the *Glossary of Terms*, for further discussion of these factors.

- Responses to each question should be brief, consistent with the requirement to provide all relevant information. Attach additional pages, as necessary.
- To allow sufficient time for the Ethics Committee to review requests for privately sponsored travel, the participating Senate Members, officers, and employees must submit the completed form to the Ethics Committee at least **thirty (30) days** before the date of the proposed trip.

**Filling out the Private Sponsor Travel Certification Form** (Question by Question Instructions)

1. *Sponsor(s) of the trip (please list all sponsors):* A sponsor of a trip is any person, organization, or other entity contributing funds or in-kind support for the trip. A sponsor must have a significant role in organizing and conducting a trip and must have a specific organizational interest in the purpose of the trip. If Members, officers, and employees are participating in an event or fact-finding trip in connection with their duties, they may accept necessary travel expenses only from the event or trip sponsor.
2. *Description of the trip:* Provide a brief statement about the purpose of the trip.
3. *Dates of travel:* Provide the dates of departure and return.
4. *Place of travel:* Provide the destination(s) for the trip.
5. *Name and titles of Senate invitees:* Provide the name and title for each Senate Member, officer, or employee who is invited on the trip.
6. *I certify that the trip fits one of the following categories:* A Senate Member, officer, or employee may accept privately sponsored travel only from sponsor(s) of a trip that fits one of the categories listed. Consult the instructions for question 9 to determine if the trip meets the lobbyist accompaniment standard.
7. *Financing of the trip, earmarked funds and in-kind contributions:* Senate Members, officers, and staff may not accept privately-sponsored travel funded by a registered lobbyist or foreign agent. Members, officers, and staff may not participate in privately-sponsored travel when the sponsors accept funds or in-kind contributions earmarked for this particular trip from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs one or more registered lobbyists or agents of a foreign principal. Earmarking includes any direction, agreement, or suggestion -- formal or informal -- to use donated funds, goods, services, or other in-kind contributions for a particular trip or purpose.
8. *Lobbyist/agent of a foreign principal involvement:* Senate invitees may not participate in trips planned, organized, arranged, or requested by a lobbyist or foreign agent in more than a *de minimis* way, which means negligible or inconsequential. It would be considered inconsequential for one or more lobbyists or foreign agents to serve on the board of an organization that is sponsoring travel, as long as the lobbyists or foreign agents are not involved in the trip. It is also permissible for a lobbyist to respond to a trip sponsor's request to identify Senate invitees with interest in a particular issue relevant to a planned trip. However, a lobbyist is not allowed to solicit or initiate communication with a trip sponsor, have control over which Senate employees are invited on a trip, extend or forward an invitation to a participant, determine the trip itinerary, or be mentioned in the invitation.

*Example:* A trip sponsor that is a § 501(c)(3) non-profit organization asks a lobbyist to recommend staffers who might be most interested in joining a trip to the U.S.-Mexican border. If a lobbyist knows a staffer who has a particular interest in the DEA's activities at the border, then providing that information (in light of the trip sponsor's request), in and of itself, would not exceed a *de minimis* level of participation, and would be permitted. However, it would not be permissible for the lobbyist to initiate contact with the trip sponsor to suggest that a particular Senate staffer be invited or forward an invitation to that staffer. Consult the instructions for question 9 to determine if the trip meets the lobbyist accompaniment standards.







**US Senate**

**Committee on Ethics**

**Attachments to Private Sponsor Travel Certification Form**

**Attachment 1 – Question #5 – Name and title of Senate invitees.**

Name	Title	Affiliation
Michael Kuiken	National Security Advisor	Senate Minority Leader Charles Schumer
Robert Leonard	National Security Advisor	Senate Minority Whip Richard Durbin
Patrick Day	Counsel	Senate Judiciary Committee
Dan Lips	Policy Director	Senate Homeland Security and Government Affairs Committee
Julie Klein	Professional Staff Member	Senate Homeland Security and Government Affairs Committee
Chris Cook	Professional Staff Member for Subcommittee on Homeland Security	Senate Appropriations Committee
Andy Olson*	Senior International Finance Advisor	Senate Foreign Relations Committee

**Attachment 2 – Question # 12 – Description of role of sponsor in organizing and conducting the trip**

Software.org: the BSA Foundation is an independent and nonpartisan international research organization. This visit is an opportunity to share about the world's most innovative software companies and learn first-hand from leading industry experts about the industry's approach to cybersecurity. Software.org planned and organized all aspects of the trip, made lodging and travel arrangements, and corresponded with businesses involved to set up events and tours at each location. Software.org is the sole sponsor for this trip, including responsibility for covering cost of meals throughout the trip.

\*The Senate Foreign Relations Committee (SFRC) will independently fund all travel costs and arrangements for Mr. Andy Olson. Software.org will purchase Mr. Olson's airfare and accommodations in a block with all other delegation participants, conferring a reduced rate. SFRC will reimburse the Foundation.

**Attachment 3- Question # 13 – Description of stated mission of sponsor and how purpose of trip relates**

Software.org: the BSA Foundation is an independent and nonpartisan international research organization that was launched in 2017 to educate policymakers and the broader public about the hugely positive impact that software has on our lives, our economy, and our society. With headquarters in Washington, DC, Software.org works to empower the workforce of the future and to help policymakers, stakeholders, and the technology industry look forward and prepare for the world of tomorrow.

In support of our policy agenda, Software.org is embarking on this trip as part of an ongoing effort to create more opportunities for education and providing hands-on experience to further congressional staff's understanding of the industry's approach to cybersecurity.

The trip to San Francisco will include unique visits to several global software companies. It is our goal that participants will gain greater insight into how the software industry is securing digital assets, innovating to adapt to the modern threat environment, and learn how public policy can play a role in enhancing our country's cybersecurity programs. This will be accomplished through site visits to the San Francisco and Silicon Valley locations of Adobe, Apple, DIU, IBM, Microsoft, Okta, Symantec, Workday including in-depth, on premises conversations with the company's senior cybersecurity experts.

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We will also gain insight into Siemens's cybersecurity approach through a detailed conversation with their senior cybersecurity experts over dinner on October 22.

We have invited staff who work in the Judiciary, Foreign Relations, Homeland Security and Government Affairs, and Appropriations committees as well as Leadership offices in order to provide them with an in-depth conversation on the industry's approach to cybersecurity.

**Attachment 4 – Question #14** – Description of sponsor's prior history of sponsoring congressional trips.

This is Software.org's sixth Congressional trip. Software.org is positioned to educate Congressional policymakers on cybersecurity and the software, data, and application economy by providing them with an opportunity to visit software companies to engage in high-level discussions with industry leaders.

**Attachment 5 – Question #15** – Description of educational activities performed by sponsor (other than Congressional trips).

Software.org educates policy makers, stakeholders, and the general public at a global level through meetings and briefings, by developing and publishing studies and papers that explain policy and enforcement issues of interest to the software industry, by engaging the public through events and panels that reach wide audiences, and by partnering with leading organizations to support diversity, inclusion, and economic opportunity.

**Attachment 6 – Question #20** - Reason for selecting hotel accommodations

We selected the Holiday Inn Sunnyvale because the rate meets the per diem rate and there is no minimum night stay. During our trip, a city-wide event in San Francisco is increasing hotel prices to \$200-300 over the per diem rate and requiring the delegation to commit to a three-night stay. The Hyatt House Emeryville was chosen as lodging for the second night of travel because of its proximity to companies we will visit on the third day of travel and because its rate (\$299) was closest to per diem.

**Attachment 7 – Question #21** – Description of daily expenses compared to Federal Government per diem

Daily expenses for meals and other expenses will be at or below per diem rates. During our trip, a city-wide event in San Francisco is increasing hotel prices to \$200-300 over the per diem rate and requiring the delegation to commit to a three-night stay. The Hyatt House Emeryville was chosen as lodging for the second night of travel because of its proximity to companies we will visit on the third day of travel and because its rate (\$299) was closest to per diem.

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9:00 AM Group meets in hotel lobby.  
Bring luggage to lobby and please check out.  
*Breakfast served in hotel lobby. Bus transport to Apple.*

During the visit to Apple's campus, attendees will meet with company executives for an in-depth conversation about the company's approach to cybersecurity, the current threat landscape, and public policy's impact on digital security.

**11:30 AM**      **DIU – Lunch Served at DIU**  
Location: 230 R.T. Jones Road, Mountain View, CA

At DIU's Mountain View headquarters, attendees will meet with DIU leadership to discuss the organization's mission and work. DoD established DIU to accelerate commercial innovation to the warfighter in order to meet the changing demands of today's strategic and technological environments. It is DIU's mission to lead DoD's break with past paradigms of military-technical advantage to become fast adapters -- as opposed to sole developers -- of technology, integrating the advanced commercial capabilities necessary for strategic advantage. In this hyper-competitive environment, DoD is moving to prioritize speed of delivery, rapid and modular upgrades, and quick operational adaptation on the battlefield. The delegation discussion will include a focus on cybersecurity and artificial intelligence, as well as a tour of the department's current work on counter Unmanned Aerial Systems.

**2:00 PM**      **Symantec**  
**Location: 350 Ellis Street, Mountain View**

Attendees will meet with Symantec executives for an in-depth conversation on the company's approach to cybersecurity and the cybersecurity landscape. Invited attendees include Steve Trilling, Senior Vice President and General Manager, Security Analytics and Research.

**4:00 PM IBM**  
Location: 1850 Gateway Dr #150, San Mateo, CA

During the visit to IBM, attendees will meet with the companies leading cybersecurity experts for an in-depth conversation on the cybersecurity environment and how IBM solutions, such as cognitive cybersecurity technologies, are helping companies stay secure.

**6:00 PM      Dinner in Silicon Valley**

